

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Emissions Inventory, Toxics Emissions Reporting, and Related Fee Methodology
(LAC 33:III.211, 918, 919, and 5107) (AQ220)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.211, 918, 919, and 5107 (Log #AQ220).

This rule revision clarifies and updates requirements for emissions inventory. Since parish attainment designations may change, the charts listing the designations have been removed. The definition of "significant change" has been clarified in order to prevent confusion in its interpretation. In the past, the emissions inventory has been used to assess the criteria pollutant annual fees. This proposed rule will link the emissions inventory directly to the appropriate fees section. Changes are being made in order to correlate LAC 33:III.919 with the recently promulgated Consolidated Emissions Reporting Rule (67 FR 39602-39616, No. 111, 6/10/02). PM_{2.5} and ammonia are now specifically listed as required inventory pollutants. No additional data elements that are not already collected in the inventory are being required in these changes, though more are listed for rule completeness. LAC 33:III.211 is being clarified to ensure that proper facilities are assessed Air Toxic Annual Emissions Fees. LAC 33:III.918 is being revised to strengthen the language for regulatory purposes and for correlation with LAC 33:III.919. LAC 33:III.5107 is being revised for housekeeping purposes to correct the submittal contact and address and the certification statement. This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for the revision to emissions inventory is clarification and compliance with federal requirements. The fee methodology and toxic emissions reporting changes are for clarification.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on September 24, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ220. Such comments must be received no later than October 1, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to lynnw@ldeq.org. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ220.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs**§211. Methodology**

A. – B.13.e. ...

14. Air Toxics Annual Emissions Fees based on actual annual emissions that occurred during the previous calendar year shall be assessed on major stationary sources of toxic air pollutants that are subject to the requirements at LAC 33:III.5109, including facilities granted approval through the permitting process. ~~based on actual annual emissions that occurred during the previous calendar year.~~

15. – 15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:

Chapter 9. General Regulations on Control of Emissions and Emissions Standards**§918. Recordkeeping and Annual Reporting**

A. Data for emissions reports ~~should be captured~~ shall be collected annually. These reports are to be submitted to the Office of Environmental Assessment, Environmental Evaluation Division by March 31st of each year (for the period January 1 to December 31 of the previous year) unless otherwise directed by the department. The report ~~should~~ shall include all data applicable to the emissions source or sources ~~which may be~~ as required under LAC 33:III.919.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:339 (May

1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:

§919. Emissions Inventory

Emissions inventory data shall be submitted to the ~~D~~Department of Environmental Quality on magnetic media in the format specified by the Office of Environmental Assessment, Environmental Evaluation Division. ~~Facilities with less than five point sources, may elect to submit Emission Inventory Coding (EIC) forms in lieu of the magnetic media.~~ Facilities are defined as all emissions points, ~~fugitive, area, mobile,~~ under common control on contiguous property. ~~Emissions Ppoint source~~ is defined as the source point of emissions ~~which that~~ should have a Source Classification Code (SCC). ~~Stationary source is defined as a group of point sources.~~ Detailed instructions are provided, on an annual basis, for completing and submitting emissions inventories ~~which define requirements applicable to facilities, point sources, area sources and mobile sources.~~ The state point source emissions inventory will be compiled from the emissions inventories submitted in accordance with this Section from the facilities that meet the criteria for applicability in Subsection A of this Section. The state area source, non-road and on-road mobile source, and biogenic emissions inventories are compiled by the department from data that may be requested from other federal, state, or local agencies or other private entities.

A. Applicability. The owner or operator of the following facilities ~~in the State of Louisiana~~ shall submit annual emissions inventories to the Office of Environmental Assessment, Environmental Evaluation Division. The inventory shall include all air pollutants for which a National Ambient Air Quality Standard (NAAQS) has been issued and all NAAQS precursor pollutants.

1. Any facility located in a nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

- a. 10 tons per year (TPY) of volatile organic compounds (VOC);
- b. 25 TPY of nitrogen oxides (NO_x);
- c. 100 TPY of carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter of less than 10 microns (PM₁₀), or particulate matter of less than 2.5 microns (PM_{2.5}); or
- d. 10 TPY of lead (Pb).

2. Any facility located in a parish that adjoins a nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

a. 50 TPY of VOC;

b. 100 TPY of NO_x, CO, SO₂, PM₁₀, or PM_{2.5}; or

c. 10 TPY of Pb.

3. Any facility located in an attainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

a. 100 TPY of VOC, NO_x, CO, SO₂, PM₁₀, or PM_{2.5}; or

b. 10 TPY of Pb.

4. Any facility in Louisiana defined as a major stationary source of hazardous air pollutants in Section 112(a)(1) of the Federal Clean Air Act (FCAA) or of toxic air pollutants in LAC 33:III.Chapter 51 is required to report.

5. Any facility in Louisiana that has a 40 CFR Part 70 (Title V) Operating Permit is required to report, regardless of emissions limits.

6. No facility classes or categories are exempted.

1. ~~Any facility in an attainment area or unclassified area that emits or has the potential to emit 100 tons per year (TPY) or more of any contaminant [including volatile organic compounds (VOC)] for which a National Ambient Air Quality Standard (NAAQS) has been issued; or any facility in a marginal, moderate, or serious ozone nonattainment area (See Table 1) that emits or has the potential to emit 10 TPY VOC, 25 TPY nitrogen oxide (NO_x), or 100 TPY carbon monoxide (CO) or any other contaminant for which a NAAQS has been issued; or any facility that emits or has the potential to emit 50 TPY or more of VOC or 100 TPY or more of any other contaminant for which a NAAQS has been issued in an area designated as an ozone adjoining area (See Table 2) to a listed marginal, moderate, or serious ozone nonattainment area. (Potential to emit refers to the "allowables" or permitted emission limits in a facility's permit.) If any pollutant meets the criteria above, then all other air pollutants for which a NAAQS has been issued must be included in the report regardless of level of emissions.~~

2. ~~Any facility defined as a major stationary source of hazardous air pollutants in Section 112(a)(1) of the Federal Clean Air Act (FCAA).~~

3. ~~In Louisiana, the following facility classes or categories are exempted: None.~~

Table 1 Ozone Nonattainment Parishes
Ascension—Serious
Calcasieu—Marginal
East Baton Rouge—Serious
Iberville—Serious
Livingston—Serious
Pointe Coupee—Serious
West Baton Rouge—Serious

Table 2 Adjoining Parishes
Assumption
Avoyelles
Beauregard
Cameron
East Feliciana
Iberia
Jefferson Davis
St. Helena
St. James
St. John the Baptist
St. Landry
St. Martin
Tangipahoa
West Feliciana

B. Types of Inventories

1. Annual Emissions Statement (AES). ~~Stationary sources~~ Facilities as identified in Subsection A of this Section, shall submit an Annual Emissions Statement (AES) for all criteria pollutants ~~including VOC and hazardous air pollutants~~ for which a NAAQS has been issued and for NAAQS precursor pollutants. Except as provided in Subparagraph B.2.d of this Section, the AES shall consist of an inventory of actual emissions and the allowable (permitted) emissions limits of VOC, NO_x, CO, sulfur dioxide (SO₂), lead (Pb), and particulate matter of less than 10 microns in diameter (PM₁₀), PM_{2.5}, and ammonia from stationary sources and emissions

of all hazardous air pollutants identified in Section 112(b) of the FCAA, and the certifying an annual Certification Statement in accordance with Subparagraph B.5.a of this Section. Methane, ethane, and CFCs are not included in VOCs and are not reportable. The emissions inventory may be an initial emissions inventory (IEI) for facilities submitting their first emissions inventory, or an annual emissions inventory update (AEIU) for facilities which have previously submitted an emissions inventory. For purposes of this Section, the term "*actual emission*" is the actual rate of emissions (annually and hourly) of a pollutant from an emission point for the calendar year or other period of time if requested by the department. Actual emissions estimates shall also be reported for all sources of emissions at a facility, including fugitive emissions (e.g., wastewater treatment, treatment, storage and disposal facilities, etc.), flash gas emissions, insignificant sources, and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime. For purposes of this Section, the term *actual emissions* is the calculation or estimate of the actual emissions of a pollutant, in accordance with Subsection C of this Section, for the calendar year or other period of time if requested by the department. to parallel the documentation of these events in the emission inventory and must follow emission calculations as identified in Subsection C of this Section. *Excess emissions* is defined as an emissions quantities greater than normal operations. Where there is an enforceable document, such as a permit, that establishing allowable levels, the AES shall include the allowable emissions level as identified in the permit Maximum Allowable Emissions Rate Table and the allowable tons per year.

2. Statewide Annual Emissions Inventory Update. After the initial submittal of an emissions inventory facilities as identified in Subsection A of this Section shall submit an Annual Emission Inventory Update (AEIU) which consists of actual and allowable emissions from the facility identified in Paragraph A.1 of this Section, if any of the following criteria are met: comply with the following requirements.

a. ~~AEIU are required for any facilities subject to SIP regulation if a significant change in emission rates has occurred as defined in Subparagraphs B.2.b and c of this Section.~~

ab. ~~any change~~ An update to the emissions inventory is required if there is a significant change in the values currently in the emissions reporting system for operating conditions including start-ups, shutdowns, or process changes at the source that results in a 5-0 percent or greater ~~an~~ increase or reduction in total annual emissions of an individual pollutant: VOC, NO_x, CO, SO₂, Pb, or PM₁₀, PM_{2.5}, or ammonia. VOCs that are also hazardous toxic air pollutants are to be viewed as total VOC shall be considered for the purpose of determining significant change; A significant change is defined as the lesser of the following:

i. a 5 percent increase or decrease in the total potential or actual emissions from the facility;

ii. a 50 ton per year increase or decrease in the total potential or actual emissions from the facility; or

iii. a 10 ton per year increase or decrease in the potential or actual emissions from any single emissions point (stack, vent, or fugitive).

be. An update to the emissions inventory is required if there is a cessation of all production processes and termination of operations at the facility;

c. An update to the minimum data submitted in accordance with Paragraph B.5 of this Section is required if there is any change.

d. if there are no significant changes in emission rates as defined in ~~Unless an update is required in accordance with Subparagraphs B.2.a, b, or c of this Section, then only the certifying Certification Statement is required for the annual submittal.~~

3. ~~Ozone Nonattainment Area Statement Requirement. Stationary sources~~ Facilities in marginal, moderate, and serious ozone nonattainment areas that meet the applicability in Paragraph A.1 of this Section emit or have the potential to emit 10 TPY of VOC, 25 TPY of NO_x, or 100 TPY of CO shall submit an annual statement inventory. In addition to the minimum data requirements of Paragraph B.5 of this Section, the statement inventory shall consist of actual, annual emissions and typical weekday emissions that occur during the three-month period of greatest or most frequent ozone exceedances. "Typical weekday" emissions are defined as an "average" daily emissions rate that is calculated for each month week of the three-month period of greatest or most frequent ozone exceedances. The department will indicate in the annual instructions for completing and submitting emissions inventory, which three-month period has the greatest or most frequent ozone exceedances in each ozone nonattainment area as well as which month's typical weekday emissions rate facilities shall submit with their annual emissions statement.

4. ~~Special Inventories. Upon request by the administrative authority, any facility subject to any rule of the Air Quality Environmental Quality regulations, LAC Title 33, Part III shall file additional emissions data with the department. The request shall specify a reasonable time for response, which shall not be less than 60 days from receipt of the request.~~

5. ~~Minimum Data Requirements. The minimum data requirements for the emissions inventory are listed below. Operating and process rate information are for the purposes of provided for information gathering only, and do not constitute permit limits. Paragraph A.1 of this Section states that~~ Submittal of a report of increased excess emissions above allowable limits under this regulation does not replace pre-empt the need for compliance with LAC

33:III.505.A Chapter 5 ~~which~~ that requires a permit request to initiate or increase emissions, nor does it qualify as a notice of excess emissions. Format and submittal requirements will be published annually by the department. Any new or modified data requirements will be included in the annual requests for updates. Any substantive changes will be established in accordance with the Administrative Procedure Act. Except for the annual Certification Statement, ~~the~~ minimum data requirements apply to initial submittals only. Data requirements for updates require that only those data elements ~~which~~ that have changed be submitted.

a. ~~Certifying~~ Certification Statement. A ~~certifying~~ Certification Statement, required by Section 182(a)(3)(B) of the FCAA, ~~is to shall~~ be signed by ~~the owner(s) or operator(s)~~ a responsible company official as defined in LAC 33:III.502 and shall accompany each emissions inventory to attest that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The Certification Statement shall include the full name, title, signature, date of signature, and telephone number of the certifying official.

b. Facility Identification Information. The facility identification information shall include:

- i. full name, physical location, and mailing address of facility;
- ii. UTM horizontal and vertical coordinates of the facility's front gate and of each emissions point; and

- iii. SIC code(s).

c. Operating Information. The operating information shall include:

- i. percentage annual throughput by season. ~~The first season (December-February) will actually encompass a two-year period. (e.g., December 1991 through February 1992). The remaining seasons (March-May, June-August, September-November) represent one calendar year (e.g., 1992).~~ The four seasons will represent one calendar year. The first season, winter, will represent January, February, and December of the reporting year; spring will be March-May; summer will be June-August; and fall will be September-November;

- ii. days per week during the normal operating schedule;

- iii. hours per day during the normal operating schedule; and

iv. ~~hours~~ weeks per year during the normal operating schedule.

d. Process Rate Data. The process rate data shall include:

i. annual process rate (annual throughput). The ~~AIRS facility subsystem (AFS) Source Classification Code SCC Table~~ prescribes the units to be used with each ~~source classification code SCC~~ for annual fuel/process rate reporting;

ii. in nonattainment ~~areas~~ parishes, peak ozone season daily process rate. The ~~AIRS facility subsystem Source Classification Code Table SCC~~ prescribes the units to be used with each ~~Source Classification Code SCC~~ for peak ozone season daily process rate reporting. Peak ozone season daily process rate is an average of emissions from a daily operation during the peak ozone season months; and

iii. annual average heat, ash, and sulfur content and design capacity,
where applicable.

e. Control Equipment Information. The control equipment information shall include:

i. current primary and secondary ~~AFS~~ control equipment ~~identification~~
~~codes~~; and

ii. current control equipment efficiency (percent). The actual efficiency should reflect the total control efficiency from all control equipment and include downtime and maintenance degradation. If the actual control efficiency is unavailable, the design efficiency or the control efficiency limit imposed by a permit shall be used.

f. Emissions Information. The emissions information shall include:

i. estimated actual ~~VOC and/or NO_x~~ criteria pollutant and precursor emissions at the emissions point segment level, in tons per year, if applicable, for an annual emissions rate and pounds per day for a typical ozone season day (~~defined as the average or typical operating day during the peak ozone season~~). ~~A segment level is the amount of emissions that are attributed to each Source Classification Code. Actual emissions estimates must include all emissions, i.e., upsets, downtime, and fugitive emissions, and insignificant sources and must follow an "emission estimation method." Emissions will be reported as one number;~~

ii. permitted criteria pollutant and precursor emissions at the emissions point level in tons per year and in pounds per hour;

iii. AFS-estimated emissions method code;

iii. calendar year for the emissions; and

iv. emissions factor (if emissions were calculated using an emissions factor).

g. Stack Parameters. The stack parameters shall include:

i. stack height;

ii. stack diameter;

iii. exit gas temperature;

iv. exit gas velocity; and

v. exit gas flow rate.

C. Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) or approved stack testing is the desired method of calculating emissions from an emissions point source. In lieu of CEMS data, emissions ~~may be calculated using methods found in the most recent edition of the Compilation of Air Pollution Emission Factors (AP-42) shall be~~ calculated using the best available information. Sources of emissions factors include the Compilation of Air Pollution Emission Factors (AP-42), or calculations published in Engineering Journals, or other EPA or department-approved estimation methodologies. In the event the emissions factors used to calculate emissions from a point source are inconsistent with factors used to establish permitted emissions, the facility shall include documentation of the inconsistency with the annual inventory report. ~~Calculations published in Engineering Journals should have prior administrative approval (assistant secretary) before use. Annual instructions will list any calculations approved from Engineering Journals.~~

D. ~~After data processing and inventory update, the department will submit the revised inventory to the facility for final verification and signature. The certified inventory shall then be~~

~~submitted to the Office of Environmental Assessment, Environmental Evaluation Division, within 60 days from the date of receipt of the data from the department.~~

~~ED. Reporting Requirements. The AES for the 1992 Ozone Nonattainment Area Inventory shall be submitted to the department no later than March 31, 1993 unless otherwise directed. Subsequent AESs and Ozone Nonattainment Area Inventories updates shall contain emissions data from the previous calendar year and shall be due on March 31 of each year unless otherwise directed. Attainment Area Inventory shall be submitted to the department from the previous calendar year no later than March 31 of each year unless otherwise directed. The annual emissions inventory shall be submitted to the department no later than March 31 for the previous calendar year unless otherwise directed.~~

~~FE. Enforcement.~~ The department reserves the right to initiate formal enforcement actions, under R.S. 30:2025, for failure to submit emissions inventories as required in this Section.

F. Fees. The annual emissions inventory will be used to assess the criteria pollutant annual fee as per LAC 33:III.223.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions

A. Annual Emissions Reporting. The owner or operator of any stationary source that emits any toxic air pollutant listed in Table 51.1 or Table 51.3 shall submit a completed annual emissions report to the Office of Environmental ~~Services~~ Assessment, Permits Environmental Evaluation Division in a format specified by the department. The owner or operator shall identify on the emissions report the quantity of emissions in the previous calendar year for any such toxic air pollutant emitted.

1. ...

2. Subsequent Annual Emissions Reports. After the initial annual emissions report, the owner or operator of any stationary source subject to the requirements in Subsection A of this Section shall submit a completed annual emissions report to the Office of Environmental ~~Services~~ Assessment, Permits ~~Environmental Evaluation~~ Division on or before July 1 of each year. Each subsequent report shall identify the quantity of emissions of all toxic air pollutants listed in Table 51.1 or Table 51.3.

3. Initial and subsequent annual emissions reports and revisions to any emissions report shall include a certification statement to attest that the information contained in the emissions report is true, accurate, and complete, and signed by a responsible official, as defined in LAC 33:III.502. The certification statement shall include the full name of the responsible official, title, signature, date of signature, and phone number of the responsible official. The certification statement shall read:

“I certify, under penalty of perjury, that the emissions data provided is accurate to the best of my knowledge, information, and belief, and I understand that submitting false or misleading information will expose me to prosecution under ~~both state and federal~~ regulations.”

B. – D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: AQ220**

Person

Preparing

Statement: Paul HeussnerPhone: (225) 219-3576Dept.: Department of Environmental QualityOffice: Office of Environmental AssessmentReturn P. O. Box 4314Address: Baton Rouge, LA 70821-4314Rule Title: Emissions Inventory, Toxics Emissions
Reporting and Related Fee
Methodology(LAC 33:III.211, 918, 919, and 5107)

Date Rule:

Takes Effect: Upon Promulgation

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs or savings to state or local governmental units as a result of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effects on revenue collections of state or local governmental units are anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No costs to directly affected persons or non-governmental groups are expected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

PROPOSED RULE/AUGUST 20, 2003

AQ 220

James H. Brent, Ph.D., Assistant Secretary

Typed Name and Title of Agency Head
or Designee

Date of Signature

Date of Signature

LFO 7/1/94

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

LAC 33:III.211 is being clarified to ensure that proper facilities are assessed Air Toxic Annual Emissions Fees. Section 918 is being edited in order to strengthen the language for regulatory purposes and for correlation with Section 919. Section 919 is being edited for the purposes of clarifying the requirements and applicability of the section. Since parish attainment designations may change, the charts listing the designations have been removed. The definition of "significant change" has been clarified in order to prevent confusion in its interpretation. In the past, the emissions inventory has been used to assess the annual fees for criteria pollutants. A fees statement was added to these changes in order to link the emissions inventory directly to the appropriate fees section. Section 5107 is being revised for housekeeping purposes to correct the current submittal contact and address and to change the certification statement.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Some text was confusing and needed updating. This rule revision clarifies and updates requirements for emissions inventories, toxics emissions inventories, and related fee methodology. Also minor changes are being made in order to correlate LAC 33:III.919 with the federal Consolidated Emissions Reporting Rule.

- C. Compliance with Act II of the 1986 First Extraordinary Session

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

This proposed rule will not result in any increase in the expenditure of funds.

2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

This is not applicable for this proposed rule.

(a) ____ Yes. If yes, attach documentation.

(b) ____ No. If no, provide justification as to why this rule change should be published at this time.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There will be no costs or savings to state agencies as a result of this rule.

COSTS	FY 03-04	FY 04-05	FY 05-06
PERSONAL SERVICES	-0-	-0-	-0-
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES	-0-	-0-	-0-
OTHER CHARGES	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR.	-0-	-0-	-0-
POSITIONS(#)_	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This section is not applicable.

2. Sources of funding for implementing the proposed rule or rule change.

No funding is needed for the proposed rule.

SOURCE	FY 03-04	FY 04-05	FY 05-06
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-
TOTAL__	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No funds are required to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no anticipated impact of the proposed action on local governmental units.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

There is no estimated effect on revenue collections of state or local governmental units.

REVENUE INCREASE/DECREASE	FY 03-04	FY 04-05	FY 05-06
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
RESTRICTED FUNDS*	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
LOCAL FUNDS	-0-	-0-	-0-
TOTAL__	-0-	-0-	-0-

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There are no estimated costs to directly affected persons or non-governmental groups.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on receipts and/or income to directly affected persons or non-governmental groups is expected to result from this rule.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No impact on competition and employment in the public or private sectors are expected.